

CHAPTER 5

REAL ESTATE SUPPORT SERVICES

5-1. Types of Services. The Chief of Engineers is responsible for management of the Army real estate program. He also has a major real estate support role for the U.S. Air Force. As a member of the Army Staff, the Chief of Engineers, advises the Army on real property planning, acquisition, construction, maintenance, repair, and disposal. In this dual function, both the DEH and the district engineer, have active roles to play in the arena of Army real property. Certain actions are a DEH responsibility, while others are a direct responsibility of the supporting USACE district. Regardless of the assignment of responsibilities, the district addresses each real estate action as direct support of the DEH or BCE. Specific services provided by a district real estate division are described as follows:

a. Research and prepare required real estate reports for the expansion, modification or disposal of existing installations, and for the acquisition of new installations. Obtain title evidence. Prepare real estate instruments and execute those documents within delegated authority.

b. Acquire real property by purchase, lease or condemnation. Handle other acquisitions involving donation, exchange, transfers, withdrawals from public domain, and recapture for national security leasehold. Generally, major land items, those costing more than \$200,000, are programmed and authorized through the annual Military Construction appropriation. Minor land acquisition, not exceeding \$200,000, is authorized and accomplished outside military construction authorization channels. An exception to the \$200,000 threshold for real property acquisitions for the reserve components exists under 10 U.S.C. 2233. However, all acquisitions for active and reserve components which exceed \$200,000 are reported to the Armed Services Committees of Congress in accordance with 10 U.S.C. 2662.

c. Negotiate Army leases, including identification of both the lessor and the premises to be leased, detailed lease provisions, establishment of terms, and appraisal for fair and reasonable payment.

d. Conduct appraisals and establish rental schedules for Government-owned land and housing.

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e. Participate in site selections for U.S. Army Reserve Centers.

f. Negotiate temporary easements, permits, rights of entry, maneuver rights and grazing rights for the Army.

g. Provide assistance in handling annexations by municipalities.

h. Provide assistance during mobilization periods, including acquisition of nonindustrial facilities, leasing, condemnations, annexations, and exercise of recapture rights.

i. Administer the outgranting program, including leases, easements, licenses and permits granted by the Government for private purposes.

j. Research and duplicate legal documents and prepare maps depicting Federal ownership and other rights.

k. Provide relocation assistance to displaced persons affected by Army land acquisition.

l. Provide assistance in preparing the Real Property Survey Report and accomplishing compliance and utilization inspections.

m. Dispose of land, buildings, timber, gravel, etc., at the request of the installation to include disposal reporting, pre-disposal investigations of land and buildings for contamination, hazardous and toxic wastes, explosive hazards, coastal zone management program, flood plain management program, historic and cultural resources, asbestos and PCBs.

n. Provide assistance in the disposal of excess foreign real estate.

o. Assist in preparation of reports of excess land for submittal to the General Services Administration.

p. Terminate inleases and outgrants for off-installation facilities and housing.

q. Arrange for provision of homeowners' assistance for persons displaced through base realignments and closures.

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r. Process and administer damage claims against the Government arising from use of land under an expressed or implied real estate instrument, as well as required restorations of real estate.

s. Administer the provisions of the McKinney Act regarding housing facilities for the homeless.

t. Provide assistance with curative matters regarding encroachment.

u. Prepare and execute of build-to-lease and lease-purchase arrangements.

v. Provide assistance in determining proper legislative and legal jurisdiction issues for Army used real property.

w. Execute the disposal of real property assets under Public Law 100-526, Base Realignment and Closure.

x. Assists installation in determining water rights that the installation possesses, attempts to secure, or intends to transfer.

5-2. Regulatory and Statutory Guidelines. The significant guidelines governing real estate support to military installations are listed as follows:

a. AR 140-485, Space Allowances: U.S. Army Reserve Facilities.

b. AR 210-12, Establishment of Rental Rates for Quarters Furnished Federal Employees.

c. AR 210-17, Inactivation of Installations.

d. AR 210-20, Master Planning for Army Installations.

e. AR 405-10, Acquisition of Real Property and Interests Therein.

f. AR 405-20, Federal Legislative Jurisdiction.

g. AR 405-25, Annexation.

h. AR 405-45, Inventory of Army Real Property.

i. AR 405-70, Utilization of Real Estate.

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- j. AR 405-80, Granting Use of Real Estate.
- k. AR 405-90, Disposal of Real Estate.

5-3. Who Provides These Services.

For real estate support services, the Installation Support Coordinator will forward the installations request to the districts real estate division. However, there are many established working relationships between DEH/BCE real estate personnel and those in the district or real estate field office. It is not necessary to go through our Installation Support coordinator where these relationships are concerned, but for new actions not involving established relationships, a work request form to the Installation Support Coordinator is appropriate.

5-4. How To Obtain These Services.

Use an Installation Support Request Form, call or write to the local Installation Support Coordinator to initiate a request for service. The installation should be prepared to supply the following:

- a. An Installation Support Request Form prepared in general accordance with the sample format (Figure 5-1) at the last page of this chapter. The form gives a narrative summary of work or services required. After the support request is evaluated:
- b. Copies of installation records needed to provide the service.
- c. Applicable documents, correspondence, or regulations.
- d. Document transmitting funds to the district office.

5-5. Typical Funding and Time to Accomplish the Service.

a. Some districts real estate services are provided on a nonreimbursable basis using centrally distributed Real Estate Operations (REO) funds. With current budgetary reductions, more of this work will require reimbursable funding. In all cases, real estate support is provided based on an estimated cost that includes district charges plus administrative overhead. Costs for a significant real estate action can be large due to the time required by the real estate staff to complete the necessary planning, perform possibly complex appraisals, coordinate with all involved personnel and organizations, etc.

More routine, smaller actions may cost anywhere from a man-day or two of effort to a visit to the location for which the installation has requested support.

b. Real estate support requests will be quickly answered during any time of the year. Within a typical real estate division, it is standard for a representative of the office to telephonically contact the installation within 48 hours of receipt of a request for support. Often, a site visit to the installation will occur within that same period of time. Naturally, major acquisitions, disposals, or changes in utilization require substantial lead time to plan, coordinate, approve and execute.

5-6. Examples of Real Estate Support Services.

Many district real estate divisions began their military support functions before our entry into World War II. Some of their first actions involved the acquisition of land for U.S. Army Air Corps installations. Later, the mission shifted to support Army land-based forces and acquisition of land for Army division-sized installations. At the end of World War II actions focused on the disposal of installations, some acres of which are still in the public domain and are recapturable in the event of mobilization. Currently, real estate actions cover a broad range of support capabilities, such as:

- a. Assisting installations in leasing and outgranting programs.
- b. Management of an installations timber harvesting program.
- c. Preparation of site selection studies for U.S. Army and U.S. Air Force Reserve Centers.
- d. Assisting installations in negotiating mineral activities with private interests.
- e. Identification of wetland and flood-plain areas for communities located adjacent to Army installations.
- f. Negotiation of Air Compatibility Use Zone (ACUZ) for Air Force bases to maintain noise buffers in takeoff and landing zones.
- g. Disposal certification for installations planned for disposal as part of the present base closure initiative.

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INSTALLATION SUPPORT REQUEST		
INSTALLATION: Fort Aggie	PROJECT NUMBER: TAMU-1979	
PROJECT TITLE: Outgrant, Kyle Field Training Area		
TYPE OF WORK: <input type="checkbox"/> PLANNING <input type="checkbox"/> ENVIRONMENTAL <input type="checkbox"/> STUDY <input type="checkbox"/> DESIGN <input type="checkbox"/> CONSTR MGMT <input checked="" type="checkbox"/> REAL ESTATE <input type="checkbox"/> A-E CONTRACT SELECTION <input type="checkbox"/> OTHER		
CURRENT WORKING ESTIMATE: N / A		
BASIS OF ESTIMATE: DATE PREPARED:		
DESCRIPTION OF WORK/SERVICE REQUIRED: PLEASE BE SPECIFIC ! Develop an outgrant of land in the Kyle Field training area for timber harvesting. Mr. Bonfire, Chief, Forestry Section is the point of contact for details regarding this action, which will involve approximately 3,280 acres in the southern portion of the training area.		
SPECIAL CRITERIA/DESIGN REQUIREMENTS: The outgrant should be prepared to permit selective cutting, at the installations discretion, of mature mixed pine and oak forest.		
PROJECT AUTHORIZATION: DD 1391 <input checked="" type="checkbox"/> DA 4283 <input type="checkbox"/> OTHER		
CONSTRUCTION AGENT: N/A DISTRICT N/A INSTALLATION		
CRITICAL NEED DATES: SERVICE COMPLETE: 26 Nov 91 DESIGN START: COMPLETE: CONSTRUCTION CONTRACT AWARD: CONSTRUCTION START: COMPLETE:		
AVAILABILITY OF AS-BUILT DRAWINGS: N / A		
AMOUNT OF START-UP DESIGN FUNDS ATTACHED: \$3,500.00		
INSTALLATION PROJECT MANAGER: Rock Thegoodag		
TELEPHONE: (COM'L) (409) 845-2217 (AV) 567-2217		
FACSIMILE: (409) 845-1979 OFFICE SYMBOL: GIG-EM		
INSTALLATION ENGINEER OR AUTHORIZED REPRESENTATIVE		
SIGNATURE	TITLE	DATE
Lawrence S. Ross	DEH	2 Jul 1991

Figure 5-1. SAMPLE FORMAT-INSTALLATION SUPPORT REQUEST INVOLVING REAL ESTATE SUPPORT